

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HITACHI CONSUMER ELECTRONICS
CO., LTD., and HITACHI ADVANCED
DIGITAL, INC.

Plaintiffs,

v.

TOP VICTORY ELECTRONICS (TAIWAN)
CO., LTD., TPV INTERNATIONAL (USA),
INC., ENVISION PERIPHERALS, INC.,
TOP VICTORY ELECTRONICS (FUJIAN)
CO. LTD., TPV ELECTRONICS (FUJIAN)
CO. LTD., TPV TECHNOLOGY LTD., and
VIZIO, INC.,

Defendants.

and

VIZIO, INC.

Counterclaim-Plaintiff,

v.

HITACHI, LTD., HITACHI CONSUMER
ELECTRONICS CO., LTD., HITACHI
ADVANCED DIGITAL, INC., HITACHI
AMERICA, LTD., and HITACHI HOME
ELECTRONICS (AMERICA), INC.

Counterclaim-Defendants.

CIVIL ACTION NO. 2:10-CV-260-JRG

JUDGE: RODNEY GILSTRAP

**JOINT MOTION TO AMEND THE DOCKET CONTROL
ORDER TO EXTEND DEADLINE FOR MEDIATION**

Defendants Top Victory Electronics (Taiwan) Co., Ltd., TPV International (USA), Inc.,
Envision Peripherals, Inc., Top Victory Electronics (Fujian) Co., Ltd., TPV Electronics (Fujian)
Co. Ltd., and TPV Technology Ltd. (collectively, "TPV") and plaintiffs Hitachi Consumer

Electronics Co., Ltd. and Hitachi Advanced Digital, Inc.’s (collectively, “Hitachi”) jointly move to amend the Docket Control Order to extend the deadline for mediation from December 3, 2012 to January 17, 2013. This motion is unopposed. However, defendant Vizio, Inc. does not join in the request for relief.

On October 15, 2012, the Court amended the Docket Control Order granting the joint motion to extend the deadline for mediation to December 3, 2012 (DI 156). The parties scheduled the mediation with Judge Infante, paid the fees, and intended to mediate on that date. However, based on the number and complexity of the issues raised at the October 23, 2012 *Markman* hearing, the uncertainty about the timing of the Court’s *Markman* ruling, and the belief that mediating without a *Markman* order may not be very productive, counsel for TPV contacted Judge Infante’s office to provisionally inquire about the availability of late December or early January dates. Due to a miscommunication, the December 3, 2012 mediation date was vacated. Counsel for TPV immediately tried to recapture the December 3, 2012 date, without success. Judge Infante indicated that he had availability on December 4, 2012 but, despite diligent efforts, the parties could not make that date work. Based on the logistics of getting parties together from Taiwan, Japan, and England (in addition to East and West Coast counsel), the next workable date was January 17, 2013 which TPV and Hitachi have reserved for this mediation. In light of this, TPV and Hitachi respectfully request that the Court amend the Docket Control Order’s December 3, 2012 deadline for mediation to January 17, 2013.

Dated: November 21, 2012

Respectfully submitted,

/s/ Vision L. Winter

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/s/ Jeff B. Plies

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3)(A), on this 21st day of November, 2012.

/s/ Vision L. Winter
Vision L. Winter

CERTIFICATE OF CONFERENCE

I certify that counsel for the parties have complied with the meet and confer requirement in Local Civil Rule CV-7(h). The conference required by Local Civil Rule CV-7(h) was conducted on November 20, 2012. TPV and Hitachi are jointly requesting the relief sought in this motion and Vizio, Inc. does not oppose this motion.

/s/ Vision L. Winter
Vision L. Winter

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